

MONDAY, JUNE 25, 2001

FIFTY-FIFTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Scroggs.

Representative Scroggs led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Tidwell; illness.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 397:** Rep(s). White, Pinion and Shepard as prime sponsor(s).

**House Joint Resolution No. 576:** Rep(s). White, Rinks, Turner (Hamilton), Pinion and Shepard as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK**  
**June 25, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1203; also, House Joint Resolution(s) No(s). 564.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 25, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 451 and 453; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 451** -- Memorials, Death - William Robert Alcorn. by \*McNally, \*Atchley, \*Burks, \*Miller J, \*Blackburn, \*Burchett, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 453** -- Memorials, Retirement - Bobby Boner. by \*Kyle, \*Rochelle, \*Haynes, \*Harper, \*Henry, \*Graves.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 26, 2001:

**House Resolution No. 166** -- Memorials, Recognition - South Harriman Baptist Church. by \*Ferguson.

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 26, 2001:

**Senate Joint Resolution No. 451** -- Memorials, Death - William Robert Alcorn. by \*McNally, \*Atchley, \*Burks, \*Miller J, \*Blackburn, \*Burchett, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 453** -- Memorials, Retirement - Bobby Boner. by \*Kyle, \*Rochelle, \*Haynes, \*Harper, \*Henry, \*Graves.

**REGULAR CALENDAR**

**Senate Bill No. 1894** -- Insurance Companies, Agents, Brokers, Policies - Prohibits health maintenance organizations from advertising or soliciting with information that does not conform to any fact "material" to enrollees, instead of fact "significant" to enrollees; modifies date from March 1 to April 1 when certain persons associated with managed care organizations under TennCare must file disclosure statements with commissioner of health. - Titles 56, 67 and 71 of the TCA. by \*McNally. (\*HB1926 by \*McDaniel)

Further consideration of Senate Bill No. 1894 previously considered on June 23, 2001, at which time the House substituted the House Bill for the Senate Bill, was on the motion to adopt Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. McDaniel moved that Senate Bill No. 1894 be passed on third and final consideration.

Rep. S. Jones moved that Senate Bill No. 1894 be reset for the Regular Calendar on June 27, 2001, which motion prevailed.

**\*House Bill No. 26** -- Motor Vehicles - Increases from 200 to 250 feet distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55. by \*Turner (Davidson), \*Odom. (SB423 by \*Trail)

Further consideration of House Bill No. 26 previously considered on June 23, 2001, at which time the House withdrew Amendment(s) No(s). 2, was on the motion to adopt Amendment(s) No(s). 3 and reset the bill for today's Calendar.

**BILL RE-REFERRED**

Rep. Turner (Davidson) moved that House Bill No. 26 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

**\*House Joint Resolution No. 576** -- Constitutional Amendments - Proposes amendment to Article II, Section 24, to limit state tax revenues to 6 percent of state's economy unless governor declares emergency and declaration is ratified by three-fifths of each house. by \*Buck, \*Walker, \*Head, \*Newton, \*Naifeh, \*Ridgeway, \*Fitzhugh, \*Maddox.

Further consideration of House Joint Resolution No. 576 previously considered on June 23, 2001 and June 24, 2001, at which time it was read for the second constitutional reading and reset for today's Calendar.

Rep. Newton requested that the Clerk read House Joint Resolution No. 576 for the third Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 576.

Rep. Buttry moved the previous question, which motion prevailed.

**MONDAY, JUNE 25, 2001 – FIFTY-FIFTH LEGISLATIVE DAY**

Rep. Newton moved that **House Joint Resolution No. 576** be adopted, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	17
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Head, Hood, Johnson, Jones S, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tindell, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Beavers, Black, Chumney, Clem, Godsey, Goins, Hagood, Hargett, Hargrove, Jones U, Kernell, Pruitt, Rhinehart, Rowland, Stanley, Towns, Turner (Shelby) -- 17.

Representatives present and not voting were: Brooks, Bunch -- 2.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 397** -- Constitutional Amendments - Limits appropriations for general expenditures from state tax revenues to 6 percent of state's annual economy; revenues received in excess of such limitation to be rebated to taxpayers or used to fund reserve for revenue fluctuations. by \*Walker , \*Kisber, \*Head, \*Davidson, \*McDaniel, \*Boyer, \*Newton, \*Curtiss, \*Wood, \*Scroggs, \*Ford S, \*McKee, \*McCord, \*Kent, \*Buck, \*Cole (Carter), \*Rinks, \*Turner (Hamilton), \*Bone, \*Bittle, \*Sargent, \*Maddox, \*Fitzhugh, \*Patton, \*Ridgeway.

Further consideration of House Joint Resolution No. 397, as amended, previously considered on June 24, 2001, at which time the House adopted Amendment(s) No(s). 2, it was read as amended for the second constitutional reading and reset for today's Calendar.

Rep. Walker requested that the Clerk read House Joint Resolution No. 397, as amended, for the third Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 397, as amended.

Rep. Davis (Washington) moved the previous question, which motion prevailed.

Rep. Walker moved that **House Joint Resolution No. 397**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	16
Present and not voting .....	2

**MONDAY, JUNE 25, 2001 – FIFTY-FIFTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Harwell, Head, Hood, Johnson, Jones S, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tindell, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Beavers, Black, Chumney, Clem, Goins, Hagood, Hargett, Hargrove, Jones U, Kernell, Pruitt, Rhinehart, Rowland, Stanley, Towns, Turner (Shelby) -- 16.

Representatives present and not voting were: Brooks, Bunch -- 2.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1948:** Rep(s). U. Jones, Turner (Hamilton), Bowers, Givens, Kernell and Turner (Shelby) as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR  
June 25, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 209, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE  
June 25, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1543.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 4, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2031; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 337; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**June 25, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2031, also, House Joint Resolution(s) No(s). 337.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 25, 2001**

The Speaker signed the following: House Bill(s) No(s). 2031; also, House Joint Resolution(s) No(s). 337.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2031; also, House Joint Resolution(s) No(s). 337; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**June 25, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 397 and 576.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 49, 1344, 1801; also, Senate Joint Resolution(s) No(s). 176, 219, 239, 355 and 452 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**June 25, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 49, 1344, 1801; also, Senate Joint Resolution(s) No(s). 176, 219, 239, 355 and 452.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 182, 563, 565, 566, 567, 568, 570, 571, 572, 573, 574 and 575; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENROSSING CLERK**

**June 25, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2031; also, House Joint Resolution(s) No(s). 337.

BETTY KAY FRANCIS, Chief Enrossing Clerk.

**ENROLLED BILLS**

**June 25, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 182, 563, 565, 566, 567, 568, 570, 571, 572, 573, 574 and 575.

BETTY KAY FRANCIS, Chief Enrossing Clerk.

**SIGNED**

**June 25, 2001**

The Speaker signed the following: House Joint Resolution(s) No(s). 182, 563, 565, 566, 567, 568, 570, 571, 572, 573, 574 and 575.

BETTY KAY FRANCIS, Chief Enrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 25, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 182, 563, 565, 566, 567, 568, 570, 571, 572, 573, 574 and 575; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 1:30 p.m., Tuesday, June 26, 2001.